

REMARKS

Applicants would like to thank the Examiner for the careful consideration given to the present application. The application has been reviewed in light of the Office Action. Applicants respectfully submit that the claims are patentable over the cited references for at least the reasons set forth below, and favorable action is requested.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claim 14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 is dependent from claim 8. Claim 8 has been amended, and it is believed that the amendment that has been made to claim 8 clarifies claim 14 such that the rejection to claim 14 is overcome. Therefore, it is believed that claim 14 is now in condition for allowance.

The Examiner has rejected claims 1-17 and 27-30 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner has asked for support for the recited limitation “wherein the amount of the monoethylenically unsaturated monomer containing latent crosslinking functionality is in a range that extends from greater than 5 weight percent to 50 weight percent,” which is present in independent claims 1 and 8. Applicants submit that the requested support can be found at page 13, line 19 of the specification. In particular, the specification recites, in part, “The dispersants useful in the present invention contain 0.5 to 50% by weight ... based on the total weight of the dispersant polymer, of at least one monomer having latent crosslinking functionality.” The range that is present in claims 1 and 8, i.e., 5 to 50% by weight, is clearly within the recited range provided in the specification, i.e., 0.5 to 50% by weight. Therefore, claims 1 and 8 are in condition for allowance.

Claim Rejections – 35 U.S.C. 103

The Examiner has rejected claims 1, 2, 4-7, 15, 16 and 27 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,176,103 to Cruden et al. in light of U.S. Patent No. 5,102,936 to Huth et al.

The Examiner cites the Cruden et al. patent as showing a polymer latex useful in coating and binder compositions, wherein the polymer latex is derived from carbonyl-containing monomers, such as diacetone acrylamide. The Examiner cites the Huth et al. patent as showing a copolymer dispersion useful as a thickener, wherein the copolymer dispersion is derived from ethylenically unsaturated monomers. The Examiner states that Cruden differs from the instant Claim 1 as defined by (b), which recites the characteristics of a second polymer. The Examiner asserts that Cruden teaches that coating compositions derived from the modified polymer latexes described in Cruden can include materials such as thickeners, dispersing agents, etc., and that it would have been obvious to one having ordinary skill in the art to use the copolymer dispersion of the Huth et al. patent as a thickener in the aqueous system of Cruden et al. to teach Applicants' Claim 1. Applicants respectfully disagree.

To establish a *prima facie* case of obviousness, three criteria must be met: (1) the prior art references when combined must teach or suggest all the claim limitations; (2) there must be some suggestion or motivation to combine reference teachings; and (3) there must be a reasonable expectation of success. MPEP 2142. Applicants respectfully submit that at least factors (1) and (2) are not met by the prior art references cited by the Examiner.

Cruden et al. in combination with Huth et al. does not teach or suggest all the claim limitations in Claim 1. Neither Cruden nor Huth disclose a coating composition that has latent crosslinking functionality. Applicants Claim 1 recites a second polymer polymerized from monomers comprising a monoethylenically unsaturated monomer "containing latent crosslinking functionality." Applicant has defined "latent crosslinking" as a monomer which possesses the ability to further react some time after initial formation of the polymer" (see specification p.5, lines 5-6). The Examiner asserts that Cruden invites the use of conventional materials such as thickeners or dispersing agents, and such thickeners, the Examiner further states, can be found in the Huth et al. patent. Again, there is no disclosure or suggestion in Huth that the thickener must have latent crosslinking properties. Therefore, the properties of Applicants claim 1(b) are not

disclosed or suggested by the Huth et al. patent. Accordingly, all of the elements of Applicants Claim 1 are not present, and Claim 1 is not obvious in light of the Cruden et al. patent in combination with the Huth et al. patent.

Additionally, Applicants Claim 1 recites a coating composition comprising a binder polymer and a second polymer. Cruden does not teach the combination of two polymers, wherein the second polymer has crosslinking functionality, to make the resulting polymer latex composition. Moreover, Cruden does not teach the use of the thickeners or dispersants that are used in accordance with Applicants invention. Huth teaches the use of *thickeners* in aqueous systems, but does not discuss or suggest the use of the copolymers disclosed therein as a dispersant. Therefore, contrary to the Examiner's assertion, one skilled in the art would not have found it obvious to use the copolymer of Huth et al. as the dispersant in the aqueous system of Cruden.

For at least the foregoing reasons, Applicants submit that independent claim 1 is patentable over the cited references. Applicants consider it apparent that claims 2, 4-7, 15, 16 and 27 are also patentable over the cited references because they depend from claim 1 and recite additional novel features of the present invention.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested.

Respectfully submitted,

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